

Proposed Amendment  
Rule Summaries  
June 2014

# Proposed Amendments

## Summary of Proposed Amendment 1: Rule 215.7

- The proposed amendment expands training advisory board duties and allows the board to set policies and procedures for the academy with consent of the chief administrator.

### § 215.7. Training Provider Advisory Board.

- (i) The board must, as specific duties:
- (1) discharge its responsibilities and otherwise comply with commission rules;
  - (2) set policies and procedures for the academy with the consent of the chief administrator;
  - (23) advise on the need to study, evaluate, and identify specific training needs;
  - (34) advise on the determination of the types, frequency, and location of courses to be offered;
  - (45) advise on the establishment of the standards for admission, prerequisites, minimum and maximum class size, attendance, and retention; and
  - (56) advise on the order of preference among employees or prospective appointees of the sponsoring organization and other persons, if any.

## Summary of Proposed Amendment 2: Rule 215.9

- The proposed amendment removes enforcement of admission, attendance, retention, and other standards set by the commission from the training advisor to the advisory board.

### § 215.9. Training Coordinator.

- (b) The training coordinator must:
- (1) ensure compliance with commission rules and guidelines;
  - (2) prepare, maintain, and submit the following reports within the time frame specified:
    - (A) reports of training:
      - (i) basic licensing course shall be submitted prior to students attempting a licensing exam; and
      - (ii) within 30 days of completion of continuing education course;
    - (B) self-assessment reports as required by the commission;
    - (C) a copy of advisory board minutes during an on-site evaluation;

- (D) training calendars-schedules must be available for review or posted on the internet no later than 30 days prior to the beginning of each calendar quarter or academic semester;
- (E) any other reports or records as requested by the commission;
- (3) be responsible for the administration and conduct of each course, including those conducted at ancillary sites, and specifically:
  - (A) appointing and supervising qualified instructors;
  - (B) maintaining course schedules and course files, including lesson plans;
  - (C) enforcing all admission, attendance, retention, and other standards set by the commission and ~~the training provider~~ approved by the advisory board;
  - (D) securing and maintaining all facilities necessary to meet the inspection standards of this section;
  - (E) controlling the discipline and demeanor of each student and instructor during class;
  - (F) distributing a current version of the Texas Occupations Code, Chapter 1701 and commission rules to all students at the time of admission to any course that may result in the issuance of a license;
  - (G) distributing learning objectives to all students at the beginning of each course;
  - (H) ensuring that all learning objectives are taught and evaluated;
  - (I) proctoring or supervising all examinations to ensure fair, honest results; and
  - (J) maintaining records of tests and other evaluation instruments for a period of five years.
- (4) receive all commission notices on behalf of the training provider and forward each notice to the appointing authority; and
- (5) attend or have a designee attend each academy coordinator's workshop conducted by the commission. No person may serve as a representative for more than one provider per conference. Each representative must be affiliated with the training provider.

## Summary of Proposed Amendment 3: Rule 217.1

- Combines initial licensing and enrollment standards into one rule, including telecommunicator requirements.

### § 217.1. Minimum Standards for Enrollment and Initial Licensure.

- (a) In order for an individual to enroll in any basic licensing course the provider must have on file documentation that the individual meets the following standards:
- (1) minimum educational requirements:
- (A) a high school diploma;
- (B) a high school equivalency certificate; or
- (C) for the basic peace officer training course, an honorable discharge from the armed forces of the United States after at least 24 months of active duty service;
- (b) The commission shall issue a license to an applicant who meets the following standards:
- (1) age requirement:
- (A) for peace officers and public security officers, is 21 years of age; or 18 years of age if the applicant has received:
- (i) an associate's degree; or 60 semester hours of credit from an accredited college or university; or
- (ii) has received an honorable discharge from the armed forces of the United States after at least two years of active service;
- (B) for jailers and telecommunicators is 18 years of age;
- (2) minimum educational requirements:
- (A) has passed a general educational development (GED) test indicating high school graduation level; or
- (B) holds a high school diploma;
- (3) is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;
- (4) has never been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order;
- (5) is not currently charged with any criminal offense for which conviction would be a bar to licensure;
- (6) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years;
- (7) has never been convicted in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;

- (8) for peace officers, is not prohibited by state or federal law from operating a motor vehicle;
- (9) for peace officers, is not prohibited by state or federal law from possessing firearms or ammunition;
- (10) has been subjected to a background investigation;
- (11) examined by a physician, selected by the appointing or employing agency, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought and appointment to be made. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of appointment by the agency to be:
  - (A) physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought;
  - (B) show no trace of drug dependency or illegal drug use after a blood test or other medical test; and
  - (C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory medical exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;
- (12) examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency;

- (A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or
  - (B) the examination may be conducted by qualified persons identified by Texas Occupations Code § 501.004. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; and
  - (C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory psychological exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;
- (13) has never received a dishonorable or other discharge based on misconduct which bars future military service;
- (14) has not had a commission license denied by final order or revoked;
- (15) is not currently on suspension, or does not have a surrender of license currently in effect;
- (16) meets the minimum training standards and passes the commission licensing examination for each license sought;
- (17) is a U.S. citizen.
- (c) For the purposes of this section, the commission will construe any court-ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:
  - (1) another penal provision of Texas law; or
  - (2) a penal provision of any other state, federal, military or foreign jurisdiction.
- (d) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.
- (e) A person must meet the training and examination requirements:
  - (1) training for the peace officer license consists of:
    - (A) the current basic peace officer course(s);
    - (B) a commission recognized, POST developed, basic law enforcement training course, to include:
      - (i) out of state licensure or certification; and
      - (ii) submission of the current eligibility application and fee; or

- (C) a commission approved academic alternative program, taken through a licensed academic alternative provider and at least an associate's degree.
- (2) training for the jailer license consists of the current basic county corrections course(s) or training recognized under Texas Occupations Code §1701.310;
- (3) training for the public security officer license consists of the current basic peace officer course(s);
- (4) training for telecommunicator license consists of telecommunicator course; and
- (5) passing any examination required for the license sought while the exam approval remains valid.
- (f) The commission may issue a provisional license, consistent with Texas Occupations Code §1701.311, to an agency for a person to be appointed by that agency. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a provisional license. A provisional license is issued in the name of the applicant; however, it is issued to and shall remain in the possession of the agency. Such a license may neither be transferred by the applicant to another agency, nor transferred by the agency to another applicant. A provisional license may not be reissued and expires:
  - (1) 12 months from the original appointment date;
  - (2) on leaving the appointing agency; or
  - (3) on failure to comply with the terms stipulated in the provisional license approval.
- (g) The commission may issue a temporary jailer license, consistent with Texas Occupations Code §1701.310. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary jailer license. A temporary jailer license expires:
  - (1) 12 months from the original appointment date; or
  - (2) on completion of training and passing of the jailer licensing examination.
- (h) The commission may issue a temporary telecommunicator license, consistent with Texas Occupations Code §1701.405. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires 12 months from the original appointment date.
- (i) A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an

application for licensure is found to be false or untrue, it is subject to cancellation or recall.

**~~§217.1. Minimum Standards for Initial Licensure.~~**

- ~~(a) — The commission shall issue a license to an applicant who meets the following standards:~~
  - ~~(1) — age requirement:~~
    - ~~(A) — for peace officers and public security officers, is 21 years of age; or 18 years of age if the applicant has received:~~
      - ~~(i) — an associate's degree; or 60 semester hours of credit from an accredited college or university; or~~
      - ~~(ii) — has received an honorable discharge from the armed forces of the United States after at least two years of active service;~~
    - ~~(B) — for jailers is 18 years of age;~~
  - ~~(2) — minimum educational requirements:~~
    - ~~(A) — has passed a general educational development (GED) test indicating high school graduation level; or~~
    - ~~(B) — holds a high school diploma;~~
  - ~~(3) — is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;~~
  - ~~(4) — community supervision history:~~
    - ~~(A) — has not ever been on court ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order; but~~
    - ~~(B) — the commission may approve the application of a person who received probation or court ordered community supervision for a Class B misdemeanor at least five (5) years prior to application if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for licensure, and that the public interest would be served by reducing the waiting period;~~
  - ~~(5) — is not currently charged with any criminal offense for which conviction would be a bar to licensure;~~
  - ~~(6) — conviction history:~~
    - ~~(A) — has not ever been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years; but~~



- (B) ~~the commission may approve the application of a person who was convicted for a Class B misdemeanor at least five (5) years prior to application if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for licensure, and that the public interest would be served by reducing the waiting period;~~
- (7) ~~has never been convicted in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;~~
- (8) ~~is not prohibited by state or federal law from operating a motor vehicle;~~
- (9) ~~is not prohibited by state or federal law from possessing firearms or ammunition;~~
- (10) ~~has been subjected to a background investigation and has been interviewed prior to appointment by representatives of the appointing authority;~~
- (11) ~~examined by a physician, selected by the appointing or employing agency, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought and appointment to be made. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of appointment by the agency to be:~~
  - (A) ~~physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought;~~
  - (B) ~~show no trace of drug dependency or illegal drug use after a blood test or other medical test; and~~
  - (C) ~~for the purpose of meeting the requirements for initial licensure, an individual's satisfactory medical exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;~~
- (12) ~~examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be conducted pursuant to professionally recognized standards and~~

~~methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency;~~

~~(A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or~~

~~(B) the examination may be conducted by qualified persons identified by Texas Occupations Code § 501.004. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; and~~

~~(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory psychological exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;~~

~~(13) has never received a dishonorable or other discharge based on misconduct which bars future military service;~~

~~(14) has not had a commission license denied by final order or revoked;~~

~~(15) is not currently on suspension, or does not have a surrender of license currently in effect;~~

~~(16) meets the minimum training standards and passes the commission licensing examination for each license sought;~~

~~(17) has not violated any commission rule or provision of the Texas Occupations Code Chapter 1701; and~~

~~(18) is a U.S. citizen.~~

~~(b) For the purposes of this section, the commission will construe any court ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:~~

~~(1) another penal provision of Texas law; or~~

~~(2) a penal provision of any other state, federal, military or foreign jurisdiction.~~

- ~~(c) — A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.~~
- ~~(d) — In evaluating whether mitigating circumstances exist, the commission will consider the following factors:~~
  - ~~(1) — the applicant's history of compliance with the terms of community supervision;~~
  - ~~(2) — the applicant's continuing rehabilitative efforts not required by the terms of community supervision;~~
  - ~~(3) — the applicant's employment record;~~
  - ~~(4) — whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;~~
  - ~~(5) — the required mental state of the disposition offense;~~
  - ~~(6) — whether the conduct resulting in the arrest resulted in the loss of or damage to property or bodily injury;~~
  - ~~(7) — the type and amount of restitution made by the applicant;~~
  - ~~(8) — the applicant's prior community service;~~
  - ~~(9) — the applicant's present value to the community;~~
  - ~~(10) — the applicant's post-arrest accomplishments;~~
  - ~~(11) — the applicant's age at the time of arrest; and~~
  - ~~(12) — the applicant's prior military history.~~
- ~~(e) — A person must meet the training and examination requirements:~~
  - ~~(1) — training for the peace officer license consists of:~~
    - ~~(A) — the current basic peace officer course(s);~~
    - ~~(B) — a commission recognized, POST developed, basic law enforcement training course, to include:~~
      - ~~(i) — out of state licensure or certification; and~~
      - ~~(ii) — submission of the current eligibility application and fee; or~~
    - ~~(C) — a commission approved academic alternative program, taken through a licensed academic alternative provider and at least an associate's degree.~~
  - ~~(2) — training for the jailer license consists of the current basic county corrections course(s) or training recognized under Texas Occupations Code §1701.310;~~
  - ~~(3) — training for the public security officer license consists of the current basic peace officer course(s); and~~
  - ~~(4) — passing any examination required for the license sought while the exam approval remains valid.~~

- ~~(f) — The commission shall issue a license to any person who is otherwise qualified for that license, even if that person is not subject to the licensing law or rules by virtue of election or appointment to office under the Texas Constitution.~~
- ~~(g) — A sheriff who first took office on or after January 1, 1994, must meet the licensing requirements of Texas Occupations Code §1701.302.~~
- ~~(h) — A constable taking office after August 30, 1999, must meet the licensing requirements of Texas Local Government Code §86.0021.~~
- ~~(i) — The commission may issue a provisional license, consistent with Texas Occupations Code §1701.311, to an agency for a person to be appointed by that agency. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a provisional license. A provisional license is issued in the name of the applicant; however, it is issued to and shall remain in the possession of the agency. Such a license may neither be transferred by the applicant to another agency, nor transferred by the agency to another applicant. A provisional license may not be reissued and expires:
  - ~~(1) — 12 months from the original appointment date;~~
  - ~~(2) — on leaving the appointing agency; or~~
  - ~~(3) — on failure to comply with the terms stipulated in the provisional license approval.~~~~
- ~~(j) — The commission may issue a temporary jailer license, consistent with Texas Occupations Code §1701.310. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary jailer license. A temporary jailer license expires:
  - ~~(1) — 12 months from the original appointment date; or~~
  - ~~(2) — on completion of training and passing of the jailer licensing examination.~~~~
- ~~(k) — A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an application for licensure is found to be false or untrue, it is subject to cancellation or recall.~~
- ~~(l) — The effective date of this section is February 1, 2014.~~

## Summary of Proposed Amendment 4: Rule 217.2

- Repeals minimum standards for telecommunicators which have been incorporated into Proposed Amendment 3.

### ~~§217.2. Minimum Standards for Telecommunicators~~

- ~~(a) The commission shall issue a license to a telecommunicator who meets the following standards:~~
- ~~(1) minimum educational requirements:~~
    - ~~(A) has passed a general educational development (GED) test indicating high school graduation level; or~~
    - ~~(B) holds a high school diploma;~~
  - ~~(2) is at least 18 years of age;~~
  - ~~(3) is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;~~
  - ~~(4) community supervision history:~~
    - ~~(A) has not ever been on court ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order; but~~
    - ~~(B) the commission may approve the application of a person who received probation or court ordered community supervision for a Class B misdemeanor at least five (5) years prior to application if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for certification, and that the public interest would be served by reducing the waiting period;~~
  - ~~(5) is not currently charged with any criminal offense for which conviction would be a bar to licensure;~~
  - ~~(6) conviction history:~~
    - ~~(A) has not ever been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years; but~~
    - ~~(B) the commission may approve the application of a person who was convicted for a Class B misdemeanor at least five (5) years prior to application if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for certification, and that the public interest would be served by reducing the waiting period;~~

- ~~(7) — has never been convicted in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;~~
- ~~(8) — has been subjected to a background investigation and has been interviewed prior to appointment by representatives of the appointing authority;~~
- ~~(9) — has never received a dishonorable or other discharge based on misconduct which bars future military service;~~
- ~~(10) — has not had a commission license denied by final order or revoked;~~
- ~~(11) — is not currently on suspension, or does not have a surrender of license currently in effect;~~
- ~~(12) — meets the minimum training standards by successfully completing the basic telecommunicator course and a commission approved crisis communications course;~~
- ~~(13) — has not violated any commission rule or provision of the Texas Occupations Code, Chapter 1701; and~~
- ~~(14) — is a U.S. citizen.~~
- ~~(b) — For the purposes of this section, the commission will construe any court ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:
  - ~~(1) — another penal provision of Texas law; or~~
  - ~~(2) — a penal provision of any other state, federal, military or foreign jurisdiction.~~~~
- ~~(c) — A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.~~
- ~~(d) — In evaluating whether mitigating circumstances exist, the commission will consider the following factors:
  - ~~(1) — the applicant's history of compliance with the terms of community supervision;~~
  - ~~(2) — the applicant's continuing rehabilitative efforts not required by the terms of community supervision;~~
  - ~~(3) — the applicant's employment record;~~
  - ~~(4) — whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;~~
  - ~~(5) — the required mental state of the disposition offense;~~
  - ~~(6) — whether the conduct resulting in the arrest resulted in the loss of or damage to property or bodily injury;~~
  - ~~(7) — the type and amount of restitution made by the applicant;~~~~

- ~~(8) — the applicant's prior community service;~~
- ~~(9) — the applicant's present value to the community;~~
- ~~(10) — the applicant's post-arrest accomplishments;~~
- ~~(11) — the applicant's age at the time of arrest; and~~
- ~~(12) — the applicant's prior military history.~~
- ~~(e) — The commission may issue a temporary telecommunicator license, consistent with Texas Occupations Code § 1701.405. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires 12 months from the original appointment date.~~
- ~~(f) — A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an application for certification is found to be false or untrue, it is subject to cancellation or recall.~~
- ~~(g) — The effective date of this section is June 1, 2014.~~

## Summary of Proposed Amendment 5: Rule 217.23

- Repeals basic enrollment standards which have been incorporated into Proposed Amendment 3.

### **~~§217.23. Basic Licensing Enrollment Standards.~~**

- ~~(a) — In order for an individual to enroll in any basic licensing course the provider must have on file documentation that the individual meets the following standards:~~
  - ~~(1) — minimum educational requirements:~~
    - ~~(A) — a high school diploma;~~
    - ~~(B) — a high school equivalency certificate; or~~
    - ~~(C) — for the basic peace officer training course, an honorable discharge from the armed forces of the United States after at least 24 months of active duty service;~~
  - ~~(2) — the individual has been subjected to a search of local, state and national records to disclose any criminal record;~~
    - ~~(A) — is not currently charged with any criminal offense for which conviction would be a bar to licensure;~~
    - ~~(B) — community supervision history:~~
      - ~~(i) — has never been on court ordered community supervision or probation for any criminal offense above the grade of a Class~~

- ~~B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order; but~~
- ~~(ii) the commission may approve the application of an individual who received probation or court-ordered community supervision for a Class B misdemeanor at least five (5) years prior to enrollment if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for licensure, and that the public interest would be served by reducing the waiting period;~~
- ~~(C) conviction history:~~
- ~~(i) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years; but~~
  - ~~(ii) the commission may approve the application of an individual who was convicted of a Class B misdemeanor at least five (5) years prior to enrollment if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for licensure, and that the public interest would be served by reducing the waiting period.~~
- ~~(D) For purposes of this section, the commission will construe any court ordered community supervision, probation, or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:~~
- ~~(i) another penal provision of Texas law; or~~
  - ~~(ii) a penal provision of any other state, federal, military or foreign jurisdiction;~~
- ~~(E) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas law;~~
- ~~(3) has never been convicted in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;~~
  - ~~(4) has never received a dishonorable or other discharge based on misconduct which bars future military service;~~
  - ~~(5) for peace officers and jailers, is not prohibited by state or federal law from operating a motor vehicle;~~



- ~~(6) — for peace officers and jailers, is not prohibited by state or federal law from possessing firearms or ammunition; and~~
  - ~~(7) — is a U.S. citizen.~~
- ~~(b) — In evaluating whether mitigating circumstances exist, the commission will consider the following factors:~~
  - ~~(1) — the applicant's history of compliance with the terms of community supervision;~~
  - ~~(2) — the applicant's continuing rehabilitative efforts not required by the terms of community supervision;~~
  - ~~(3) — the applicant's employment record;~~
  - ~~(4) — whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;~~
  - ~~(5) — the required mental state of the disposition offense;~~
  - ~~(6) — whether the conduct resulting in the arrest resulted in the loss of or damage to property or bodily injury;~~
  - ~~(7) — the type and amount of restitution made by the applicant;~~
  - ~~(8) — the applicant's prior community service;~~
  - ~~(9) — the applicant's present value to the community;~~
  - ~~(10) — the applicant's post-arrest accomplishments;~~
  - ~~(11) — the applicant's age at the time of arrest; and~~
  - ~~(12) — the applicant's prior military history.~~
- ~~(c) — psychological and physical examination requirements:~~
  - ~~(1) — the individual has been examined by a physician, selected by the appointing, employing agency, or the academy, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of enrollment, acceptance, or entry into the licensing course to be:~~
    - ~~(A) — physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought; and~~
    - ~~(B) — show no trace of drug dependency or illegal drug use after a blood test or other medical test; and~~
  - ~~(2) — the individual has been examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board.~~

~~The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The individual must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of enrollment, acceptance, or entry into the licensing course.~~

~~(A) — the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or~~

~~(B) — the examination may be conducted by qualified persons identified by §501.004, Texas Occupations Code. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed.~~

~~(d) — The enrollment standards established in this section do not preclude the provider from establishing additional requirements or standards for enrollment.~~

~~(e) — The effective date of this section is February 1, 2014.~~

## Summary of Proposed Amendment 6: Rule 217.2

- Repeals telecommunicator enrollment standards which have been incorporated into Proposed Amendment 3.

### **~~§217.25. Telecommunicator Enrollment Standards.~~**

~~(a) — In order for an individual to enroll in any basic telecommunicator course the provider must have on file documentation that the individual meets the following standards:~~

~~(1) — minimum educational requirements:~~

~~(A) — a high school diploma; or~~

~~(B) — a high school equivalency certificate;~~

- ~~(2) — the individual has been subjected to a search of local, state, and national records to disclose any criminal record;~~
- ~~(A) — is not currently charged with any criminal offense for which conviction would be a bar to certification;~~
- ~~(B) — community supervision history:~~
  - ~~(i) — has never been on court ordered community supervision or probation for any criminal offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order; but~~
  - ~~(ii) — the commission may approve the application of an individual who received probation or court ordered community supervision for a Class B misdemeanor at least five (5) years prior to enrollment if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for certification, and that the public interest would be served by reducing the waiting period;~~
- ~~(C) — conviction history:~~
  - ~~(i) — has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years; but~~
  - ~~(ii) — the commission may approve the application of an individual who was convicted of a Class B misdemeanor at least five (5) years prior to enrollment if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for certification, and that the public interest would be served by reducing the waiting period.~~
- ~~(D) — for purposes of this section, the commission will construe any court ordered community supervision, probation, or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:~~
  - ~~(i) — another penal provision of Texas law; or~~
  - ~~(ii) — a penal provision of any other state, federal, military, or foreign jurisdiction;~~
- ~~(E) — a classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas law;~~

- ~~(3) — has never been convicted in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;~~
- ~~(4) — has never received a dishonorable or other discharge based on misconduct which bars future military service; and~~
- ~~(5) — is a U.S. citizen.~~
- ~~(b) — In evaluating whether mitigating circumstances exist, the commission will consider the following factors:~~
  - ~~(1) — the applicant's history of compliance with the terms of community supervision;~~
  - ~~(2) — the applicant's continuing rehabilitative efforts not required by the terms of community supervision;~~
  - ~~(3) — the applicant's employment record;~~
  - ~~(4) — whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;~~
  - ~~(5) — the required mental state of the disposition offense;~~
  - ~~(6) — whether the conduct resulting in the arrest resulted in the loss of or damage to property or bodily injury;~~
  - ~~(7) — the type and amount of restitution made by the applicant;~~
  - ~~(8) — the applicant's prior community service;~~
  - ~~(9) — the applicant's present value to the community;~~
  - ~~(10) — the applicant's post-arrest accomplishments;~~
  - ~~(11) — the applicant's age at the time of arrest; and~~
  - ~~(12) — the applicant's prior military history.~~
- ~~(c) — The enrollment standards established in this section do not preclude the provider from establishing additional requirements or standards for enrollment.~~
- ~~(d) — The effective date of this section is February 1, 2014.~~

## **Summary of Proposed Amendment 7: Rule 221.13**

- Adds a master proficiency certification for telecommunications.

### **§221.13. Emergency Telecommunications Proficiency.**

- (a) To qualify for a basic telecommunications proficiency certificate, an applicant must meet all proficiency requirements including:
  - (1) one year of experience in public safety telecommunications; and
  - (2) successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.

- (b) To qualify for an intermediate telecommunications proficiency certificate, an applicant must meet all proficiency requirements including:
  - (1) basic telecommunications certification;
  - (2) at least two years experience in public safety telecommunications;
  - (3) 120 hours of training; and
  - (4) successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.
- (c) To qualify for an advanced telecommunications proficiency certificate, an applicant must meet all proficiency requirements including:
  - (1) intermediate telecommunications certificate;
  - (2) at least four years experience in public safety telecommunications; and
  - (3) successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.
- (d) To qualify for a master telecommunications proficiency certificate, an applicant must meet all proficiency requirements including:
  - (1) advanced telecommunications certificate;
  - (2) at least eight years experience in public safety telecommunications;
  - (3) 500 hours of training; and
  - (4) successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.

## **Summary of Proposed Amendment 8: Rule 221.31**

- Removes obsolete rule cross-referencing.

### **§221.31. Retired Peace Officer and Federal Law Enforcement Officer Firearms Proficiency**

- (a) The head of a state or local law enforcement agency may allow an honorably retired peace officer the opportunity to demonstrate weapons proficiency in accordance with Occupations Code §1701.357.
- (b) The head of a state law enforcement agency may allow an honorably retired federal criminal investigator or a qualified retired law enforcement officer the opportunity to demonstrate weapons proficiency in accordance with Occupations Code §1701.357.
- (c) The minimum qualification requirements shall be the same as ~~§218.9~~ ~~§217.21(e)~~ of this title.